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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 01/25/2002

Kelly K Burris
Greensfelder Hemker & Gale P C
10 South Broadway
Suite 2000
St Louis, MO 63102-1774

EXAMINER

HOTALING, JOHN M

ART UNIT

CLASS-SUBCLASS

3713

463-031000

DATE MAILED: 01/25/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,388	07/17/2000	Randy T. Sprout	43339-88004	8481

TITLE OF INVENTION: INTERACTIVE VIRTUAL REALITY PERFORMANCE THEATER ENTERTAINMENT SYSTEM

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
9	nonprovisional	YES	\$640	\$0	\$640	04/25/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and mail this form, together with applicable fee(s), to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 01/25/2002

Kelly K Burris
Greensfelder Hemker & Gale P C
10 South Broadway
Suite 2000
St Louis, MO 63102-1774

Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)

(Date)

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EXAMINER	ART UNIT	CLASS-SUBCLASS
HOTALING, JOHN M	3713	463-031000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231

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TRANSMIT THIS FORM WITH FEE(S)



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Kelly K Burris Greensfelder Hemker & Gale P C 10 South Broadway Suite 2000 St Louis, MO 63102-1774			HOTALING, JOHN M	
			ART UNIT	PAPER NUMBER
			3713	
DATE MAILED: 01/25/2002				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Notice of Allowability

Application No.

09/617,388

Applicant(s)

SPROUT ET AL.

Examiner

Art Unit

John M Hotaling II

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are 1-9.
3. The drawings filed on 03 December 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) The translation of the foreign language provisional application has been received.
6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No. _____.
(b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

<input type="checkbox"/> Notice of References Cited (PTO-892)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>6</u>
<input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>5</u>	<input checked="" type="checkbox"/> Examiner's Amendment/Comment
<input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	<input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	<input type="checkbox"/> Other

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Petere Gilster Reg 25337 on 1/18/02.

The application has been amended as follows:

Replace claims 1-9 with the following; --

1. A system which interacts with participants and performers, said system comprising:

an immersive virtual reality environment;

at least one performer input device ,in electronic communication with said immersive virtual reality environment;

at least one participant input device in electronic communication with said immersive virtual reality environment;

at least one performer output device in electronic communication with said immersive virtual reality environment;

at least one participant output device in electronic communication with said immersive virtual reality environment;

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wherein at least one live performer interacts with at least one participant and said immersive virtual reality environment;

wherein said immersive virtual reality environment includes a live or prerecorded video image of said at least one live performer and audio communication between said at least one live performer and said at least one participant, or between said at least one participant and said at least one live performer, or both;

wherein said at least one participant interacts with said at least one live performer and said immersive virtual reality environment, thereby resulting in an experience which is in part controlled by said at least one participant and said at least one participant input device.

2. The system of claim 1 wherein said immersive virtual reality environment further comprises:

at least one processing device;

system data;

output data; and

a network, said network connecting said processing device, said at least one performer input device and said at least one performer output device, and said at least one participant input device and said at least one participant output devices in electronic communication, thereby transmitting said system data and said output data to said at least one live performer and said at least one participant.

3. The system of claim 2 wherein said at least one participant output device further comprising:

at least one seat;

at least one virtual reality display; and

at least one participant audio device;

said at least one participant input device further comprising:

at least one hand-held keypad; and

at least one participant microphone;

said at least one performer output device further comprising:

at least one live video image of the participant; and

at least one speaker, said speaker transmitting said at least one participant microphone input to said at least one live performer;

said performer input means further comprising:

at least one live video image of said at least one live performer; and

at least one performer microphone;

wherein said at least one participant views said output data from said immersive virtual reality environment and said live video image of said at least one live performer through said at least one virtual reality display and provides feedback to said immersive virtual reality environment through said at least one hand-held keypad and said at least one participant microphone.

4. The system of claim 3 wherein said output data further comprises:

graphical images; and

audio data.

5. The system of claim 4 wherein said seat further comprises:

a rumble seat, said rumble seat providing sound and movement to said at least one participant.

6. The system of claim 5 wherein said processing device further comprises:

at least one control computer;

at least one audio processor;

at least one audio switcher;

at least one video processor; and

at least one video switcher;

wherein said at least one control computer processes and distributes data from said at least one performer input device and said at least one performer output device and said at least one participant input device and at least one participant output device;

said at least one audio processor processes said at least one participant microphone input, said at least one performer microphone input, and said audio data in accordance with said system data of said at least one control computer; said at least one audio switcher switches at least one participant microphone input, at least one performer microphone input, and said audio data in accordance with said system data of said at least one control computer; said video processor processes said live video image of the participant, said live video image of the performer, and said graphical images in accordance with said system data of said at least one control computer; and said video switcher switches said live video image of said at least one live performer with said graphical data in accordance with said system data of said at least one control

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computer; thereby selectively providing said graphical images, said audio data, and said live video image of said at least one live performer in said at least one virtual reality display, and selectively providing said at least one participant microphone input, said at least one performer microphone input, and said audio data to said at least one participant audio output device.

7. The system of claim 6, said immersive virtual reality environment further comprising:

a control station;

said control computer further comprising:

a registration computer;

said system data further comprising:

participant information;

wherein said at least one participant registers participant information into said registration computer for interactive use in said immersive virtual reality environment.

8. A system which interacts with participants and performers, said system comprising:

an immersive virtual reality environment, said immersive virtual reality environment further comprising:

at least one processing device;

system data;

output data; and

a network;

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at least one performer input device in electronic communication with said immersive virtual reality environment;

at least one participant input device in electronic communication with said immersive virtual reality environment;

at least one performer output device in electronic communication with said immersive virtual reality environment;

at least one participant output device in electronic communication with said immersive virtual reality environment;

wherein at least one live performer interacts with at least one participant and said immersive virtual reality environment, and said immersive virtual reality environment includes a live or prerecorded video image of the performer and audio communication between said at least one live performer and said at least one participant, or between said at least one participant and said at least one live performer, or both;

wherein said at least one participant interacts with said at least one live performer and said immersive virtual reality environment, thereby resulting in an experience which is in part controlled by said at least one participant and said at least one participant input device;

said network connecting said processing device, said at least one performer input device and said at least one performer output device, and said at least one participant input device and said at least one participant output device in electronic communication, thereby transmitting said system data and said output data to said at least one live performer and said at least one participant, and

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said network connecting said immersive virtual reality environment and said at least one participant input device and said at least one participant output device across the Internet.

9. A method of providing interactive communications between participants and performers comprising the steps of:

- (a) providing an immersive virtual reality environment
- (b) providing at least one performer input device in electronic communication with said immersive virtual reality environment;
- (c) providing at least one participant input device in electronic communication with said immersive virtual reality environment;
- (d) providing at least one performer output device in electronic communication with said immersive virtual reality environment;
- (e) providing at least one participant output device in electronic communication with said immersive virtual reality environment;
- (f) having at least one live performer interact with at least one participant and said immersive virtual reality environment, by including with said virtual reality environment a live or prerecorded video image of said at least one live performer and audio communication between said at least one live performer and said at least one participant, or between said at least one participant and said at least one live performer, or both;
- (g) having at least one participant interact with at least one such live performer and said immersive virtual reality environment, thereby resulting in an experience which

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*B1
concl*

is in part controlled by said at least one participant and said at least one participant input device.

Reason for Allowance

2. The following is an examiner's statement of reasons for allowance: Claims 1-9 are allowable over the prior art of record in that they clearly set forth the use of a live performer with audio communication between the live performer(s) and participant(s).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746 3236 for regular communications and 703 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

*John M Hotaling II
January 22, 2002*


JESSICA HARRISON
PRIMARY EXAMINER

Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.